

Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
Tel. +1.215.963.5000  
Fax: +1.215.963.5001  
www.morganlewis.com

**Jeremy P. Blumenfeld**  
+1.215.963.5258  
Jeremy.Blumenfeld@morganlewis.com

**Morgan Lewis**

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**MEMO ENDORSED**

December 14, 2016

**VIA ECF AND E-MAIL (Failla NYSDChambers@nysd.uscourts.gov)**

The Honorable Katherine Polk Failla, U.S.D.J.  
United States District Court, Southern District of New York  
United States Courthouse  
40 Foley Square, Courtroom 618  
New York, NY 10007

Re: Andrus, et. al v. New York Life Ins. Co., et. al., Case No. 1:16-cv-05698 (KPF)

Dear Judge Failla:

We represent Defendants New York Life Insurance Company, et al. ("Defendants") in the above-referenced action. We write on behalf of Plaintiffs and Defendants pursuant to Your Honor's Order dated November 14, 2016 (Dkt. 59), to update the Court on the progress of the parties' settlement efforts. Defendants are presently finalizing a draft of the class action settlement agreement and anticipate providing the agreement to Plaintiffs by December 23, 2016 for review and comment. The parties will continue to work on the other necessary settlement papers (e.g., proposed orders and class notices) with the goal of completing everything in time to allow for Plaintiffs to move for preliminary approval of the settlement by the end of January, as previously reported.

Respectfully submitted,

/s/ *Jeremy P. Blumenfeld*

Jeremy P. Blumenfeld

cc: Michele R. Fisher, *Counsel for Plaintiffs* (via ECF and e-mail)  
Kai H. Richter, *Counsel for Plaintiffs* (via ECF and e-mail)  
Carl F. Engstrom, *Counsel for Plaintiffs* (via ECF and e-mail)  
Brandon T. McDonough, *Counsel for Plaintiffs* (via ECF and e-mail)

In light of the contents of this letter, the parties are ORDERED to move for preliminary approval of the settlement by **January 31, 2017**.

Dated: December 14, 2016  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE